

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. STEVEN MCDANIEL, a/k/a Steven McDaniels, Defendant.	3:19-CR-30166-RAL OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
---	--

Defendant Steven McDaniel moved to suppress statements he made to tribal police in June 2019. Doc. 23. Magistrate Judge Mark A. Moreno held a hearing at which the government and McDaniel agreed that certain statements should be suppressed as substantive evidence but admissible for impeachment purposes. Based on this agreement and the evidence offered at the hearing, Judge Moreno recommended granting McDaniel's motion. Doc. 32.

This Court reviews a report and recommendation pursuant to the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in relevant part that "[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." However, "[i]n the absence of an objection, the district court is not required 'to give any more consideration to the magistrate's report than the court considers appropriate.'" United States v. Murillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Neither McDaniel nor the government has objected to the report and recommendation and the fourteen days for doing so has now passed. This Court has nevertheless reviewed the report and recommendation and agrees with it in full.

Accordingly, it his hereby

ORDERED that the Report and Recommendation for Disposition of Motion to Suppress Statements, Doc. 32, is adopted. It is further

ORDERED that McDaniel's Motion to Suppress Statements, Doc. 23, is granted as set forth in the Report and Recommendation.

DATED this 9th day of October, 2020.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
CHIEF JUDGE